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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,959	09/14/2005	Gregor John McLennan Anderson	ZGNX-115	6929
24353	7590	06/28/2010	EXAMINER	
BOZICEVIC, FIELD & FRANCIS LLP 1900 UNIVERSITY AVENUE SUITE 200 EAST PALO ALTO, CA 94303			LANDRY II, GERALD ERNEST	
			ART UNIT	PAPER NUMBER
			3763	
			MAIL DATE	DELIVERY MODE
			06/28/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/506,959	<b>Applicant(s)</b> ANDERSON ET AL.	
	<b>Examiner</b> GERALD LANDRY II	<b>Art Unit</b> 3763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 02 June 2010.
- 2a)  This action is **FINAL**.
- 2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 31,33,35-43 and 45-56 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) 41-43,45-53,55 and 56 is/are allowed.
- 6)  Claim(s) 31,33 and 37 is/are rejected.
- 7)  Claim(s) 35, 36, 38-40, 54 is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some \*    c)  None of:
    - 1.  Certified copies of the priority documents have been received.
    - 2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    - 3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4)  Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5)  Notice of Informal Patent Application
- 6)  Other: \_\_\_\_\_.

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 31 recites the limitation "actuator mechanism" in line 13. There is insufficient antecedent basis for this limitation in the claim. The Examiner believes that the Applicant intended to use the term "actuator lever".

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 31, 33, and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Pub. No. 2001/0004682 to Weston.

Regarding claims 31, 33, and 37, Weston teaches a needleless injection device **(100)**, comprising a casing; a cartridge **(1)** containing a medicament for injection and an orifice **(5)** at one end thereof through which the medicament is driven for injection through a patient's skin; a drive mechanism **(101)** which upon actuation applies force to the medicament, forcing the medicament out of the orifice and through the patient's skin; a trigger mechanism **(refer to marked-up figure below)** which actuates the drive mechanism; a safety mechanism **(102)** which, in a first configuration **(intact)**, prevents the trigger mechanism from actuating the drive

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mechanism and in a second configuration (**detached**) allows trigger mechanism to actuate the drive mechanism; and an actuator lever (**refer to marked-up figure below**) which moves the safety mechanism from its first configuration into its second configuration; wherein the actuator mechanism comprises a portion extending outside of the casing which portion is accessible to a user and which when the portion is moved by the user the movement brings the safety mechanism into its second configuration (**refer to marked-up figure below**); wherein the safety mechanism in its first configuration prevents the trigger mechanism from moving (**refer to marked-up figure below; the trigger mechanism may rest on the safety mechanism, and until the safety mechanism is forced into the second configuration (detached) the trigger mechanism has not moved**); wherein the safety mechanism comprises an obstructer portion which in the first configuration obstructs, and in the second configuration allows, movement of the trigger mechanism (**the safety mechanism in and of itself obstructs the trigger mechanism until the safety mechanism becomes detached**).



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***Allowable Subject Matter***

4. Claims 35, 36, 38-40, 54 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 41-43, 45-53, 55, and 56 are allowed.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GERALD LANDRY II whose telephone number is (571)270-7409. The examiner can normally be reached on M-F, 7:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas Lucchesi can be reached on 571-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/GEL/

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Examiner, Art Unit 3763

/Nicholas D Lucchesi/

Supervisory Patent Examiner, Art Unit 3763